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6 TOWN OF HILLSBOROUGH

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 SAN FRANCISCO BAYKEEPER,

12 Plaintiff,

13 v.

14 TOWN OF HILLSBOROUGH,

15 Defendant.

Case No. C 08-03760 BZ

**STIPULATION TO CHANGE IN CASE
MANAGEMENT SCHEDULE;
[PROPOSED] ORDER**

Complaint Filed: August 6, 2008

16
17 In lieu of a motion under Local Rule 16-2(d), Defendant Town of Hillsborough
18 ("Hillsborough") and Plaintiff San Francisco Baykeeper's ("Baykeeper") (together, "Parties"),
19 stipulate to change the date of the Initial Case Management Conference from the scheduled date
20 of November 10, 2008 to a date during early January, 2009, as determined by the Court.

21 Baykeeper filed its complaint on August 6, 2008, and the Court issued the scheduling
22 order for this case that same day. Hillsborough was served with the complaint on September 23,
23 2008. Furthermore, Hillsborough filed a motion to dismiss under FRCP 12(b)(1) on October 14,
24 2008. A hearing on this motion is currently scheduled for December 3, 2008.

25 Both parties agree resources may be conserved by postponing the Initial Case
26 Management Conference until after the Court has issued a ruling on Hillsborough's motion.
27 Therefore, the Parties now seek to modify the Court's August 6, 2008 scheduling order to allow
28 the Court to issue a ruling on Hillsborough's motion to dismiss before the Initial Case

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STIPULATION TO CHANGE IN CASE MANAGEMENT SCHEDULE; [PROPOSED] ORDER

Case No. C 08-03760 BZ

1 Management Conference is held.

2 For the reasons set forth above, the Parties hereby stipulate, and respectfully request that
3 the Court enter an order modifying the August 6, 2008 scheduling order as follows:

<u>Action</u>	<u>Scheduling Order</u>	<u>Requested Modification</u>
4		
5 Last day to:	October 20, 2008	December 19, 2008
6 • Meet and confer re: initial disclosures, early 7 settlement, ADR process selection and discovery 8 plan		
9 • File ADR Certification signed by Parties and 10 Counsel		
• File either Stipulation to ADR Process or Notice of Need for ADR Phone Conference		

11 Last day to file Rule 26(f) Report, complete initial 12 disclosures or state objection in Rule 26(f) Report and file Case Management Statement	November 3, 2008	January 5, 2009
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13 Initial Case Management Conference	November 10, 2008	January 12, 2009
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15 Given that the first date under the August 6, 2008 scheduling order is **Monday, October**
16 **20, 2008**, the Parties would appreciate the Court's immediate attention to this matter.

17 RESPECTFULLY SUBMITTED,

18 DATED: October 15, 2008

DOWNEY BRAND LLP

19
20 By: 

MELISSA A. THORME
Attorney for Defendant
TOWN OF HILLSBOROUGH

21
22
23 DATED: October 15, 2008

LAWYERS FOR CLEAN WATER

24
25 By: 

DANIEL COOPER
Attorney for Plaintiff
SAN FRANCISCO BAYKEEPER

[PROPOSED] ORDER

Good cause appearing, and based on the stipulation of the parties,

IT IS HEREBY ORDERED that the August 6, 2008 scheduling order is modified as follows:

Action**August 6,
2008
Scheduling
Order****Modified
Scheduling
Order**

Last day to:

- Meet and confer re: initial disclosures, early settlement, ADR process selection and discovery plan
- File ADR Certification signed by Parties and Counsel
- File either Stipulation to ADR Process or Notice of Need for ADR Phone Conference

October 20,
2008

December 19,
2008

Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement

November 3, 2008 January 5, 2009

Initial Case Management Conference:

November
10, 2008

January 12,
2009

IT IS SO ORDERED.

DATED: October 15, 2008

By: 

Hon. Bernard Zimmerman
United States Magistrate Judge